IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2547 OF 2007

1. Hiraman Govind Shinde.
2. Ashok Hiraman Shinde. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

S.J.Ghogare for the applicant.

K.V.Saste, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 13th August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.170/2006 registered with Bhor Police Station, Pune for the offences punishable under sections 395, 392 and 341 of Indian Penal Code.

3. During the course of hearing, adverse findings recorded by the Ad-hoc Addl. Sessions Judge, Pune in his order dated 7th July, 2007 brought to my notice; wherein he has recorded that filing of the

chargtesheet cannot be treated as change in circumstance warranting consideration of bail application afresh.

4. The above finding recorded by the Court below that the filing of chargesheet does amount to change in the circumstances is contrary to the law laid down by this Court as well as by the Apex Court.

5. In the above view of the matter, impugned order is set aside by consent of parties.

6. The Crim. Misc. Application No.1739/2007 is restored to file of the learned Sessions Judge, Pune and remitted back with direction to decide the said application afresh after hearing both parties, within fifteen days from the date of receipt of copy of this order. All rival contentions are kept open.

7. Application is disposed of accordingly.

JUDGE